
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard Rowe

Attorney Docket No.: IGT1P116/P-347
(formerly IGTECH.0007P)

Application No.: 09/631,855

Examiner: A. Duran

Filed: August 3, 2000

Group: 3622

Title: METHOD AND APPARATUS
FOR VOUCHER SORTING AND
RECONCILIATION IN SOFT
COUNT PROCESS

Confirmation No.: 9950

**TRANSMITTAL OF REPLY BRIEF
IN RESPONSE TO EXAMINER'S ANSWER**

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Sir:

Transmitted herewith is the Reply Brief In Response To Examiner's Answer mailed December 1, 2006. This reply brief is being filed within two (2) months of the mailing date of the Examiner's Answer.

Charge any additional fees or credit any overpayment to Deposit Account No. 500388, (Order No. IGT1P116).

Respectfully submitted,
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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS**

EX PARTE RICHARD ROWE

Application for Patent

Filed August 3, 2000

Application No. 09/631,855

FOR:

**METHOD AND APPARATUS FOR VOUCHER SORTING
AND RECONCILIATION IN SOFT COUNT PROCESS**

REPLY BRIEF

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The following remarks serve to supplement Applicant's Appeal Brief of October 10, 2006, and are in response to the Examiner's Answer mailed on December 1, 2006.

ARGUMENT [Supplemented]

Applicant initially notes that much of the alleged supports given in the Examiner's Answer for sustaining the current rejections are provided for the first time in this prosecution in the Examiner's Answer. Many of these new alleged supports rely on what is supposedly inherent in the recited prior art reference, rather than what the reference explicitly teaches. Accordingly, the rules and requirements on inherency must be applied. For example, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *See* MPEP § 2112 (IV). Further, inherency may not be established by probabilities or possibilities, and the mere fact that a certain thing may result from a given set of circumstance is not sufficient. *See id.* In addition, in relying upon inherency, a basis in fact and/or technical reasoning must be provided to reasonably support a determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *See id.* However, these various requirements on inherency have not been followed here, as further noted below.

2(a) (storing a voucher in a gaming machine)

Both of independent claims 1 and 25 recite the step of "storing [a] voucher in [a] gaming machine." Despite the numerous Office Actions rejecting all claims in the instant prosecution, no specific assertion was ever made, and no support was ever provided, for the proposition that either Luciano or LeStrange teaches this particular claim element. In the Examiner's Brief, the assertion is made for the first time that "Luciano discloses storing a voucher in a gaming machine (Abstract, Fig. 6; Fig. 9, 'Hold Voucher'; Fig. 10; Fig. 5, 'Voucher/Currency Reader' of the gaming device)." Despite the failure to address this issue until now, the specific recitations given simply do not show that Luciano teaches this step.

A careful and considered review of the Abstract of Luciano does not reveal any mention or suggestion that its player terminals store a voucher. Figure 6 of Luciano merely depicts a voucher, and in no way discloses or suggests that such a voucher is stored at a player terminal. While Figure 9 of Luciano does recite the process element, "Holds Voucher," such an action is not the same as storing a voucher in a gaming machine. In the context of the process illustrated in this Figure 9, such a "hold voucher" reflects that the disclosed system is holding a voucher during a validation process. Such a "hold item" escrow-type action is performed by any bill acceptor or other device that evaluates whether a bill money, voucher or

other item is valid, and does not mean that the evaluated item is then stored by the device. In fact, it is entirely possible that a voucher can be returned to a player once it is validated. Such a hold for validation and then return process is used with magnetic stripe cards, smart cards, player tracking cards and other types of cashless instruments. Moving next to Figure 10 of Luciano, nothing discloses or suggests that a voucher is stored at its player terminal. While the word “Stores” is used in this Figure 10, such storage refers to “Information in a Database,” and not a tangible voucher. Finally, the “Voucher/Currency Reader” of Figure 5 in Luciano also does not disclose or suggest that a voucher is stored in a gaming machine. Rather, such a device simply reads vouchers and currency, and has nothing to do with whether such items are then stored by anything after a reading. Again, it is entirely possible to read a voucher and then return it to the user without storing it, and Luciano never addresses whether such steps are or are not taken with respect to its player terminals and system.

In sum, despite the present belated attempt to assert support in Luciano for the step of “storing [a] voucher in [a] gaming machine,” Luciano simply does not teach this step. No alleged support has ever been provided for LeStrange teaching such an item. Accordingly, it is respectfully submitted that neither Luciano nor LeStrange, either alone or in combination, renders either of independent claims 1 or 25 as unpatentable for at least this reason.

2(b) (retrieving vouchers from a gaming machine)

Each of independent claims 1, 14 and 25 recite, “retrieving [] vouchers [from said gaming machine / storage box].” In the Examiner’s Brief, the assertion is made for the first time that, “since Luciano discloses storing vouchers in a gaming machine . . . it is obvious that those vouchers need to be retrieved.” As explained above, Luciano does not disclose storing vouchers in a gaming machine, such that this assertion is incorrect on its face. Furthermore, even if the first part of this assertion were true, it does not follow that Luciano necessarily teaches or suggests retrieving vouchers from a gaming machine, since there are numerous alternatives to this specific step. For example, an automated process might involve the transfer of accepted vouchers to another location, such as a secured container outside the gaming machine. The retrieval of vouchers from such an outside secured container would then not comprise “retrieving vouchers from a gaming machine.” It is indisputable that Luciano does not explicitly teach storing vouchers in a gaming machine or retrieving vouchers from a gaming machine. Because Luciano is silent on these matters of actually storing vouchers or retrieving vouchers from its player terminals, and because numerous alternative possibilities exist, it cannot properly be said that these actions are inherent to Luciano either.

In addition, in the Examiner's Brief, the assertion is made for the first time that, "LeStrange states that it is old and well known ('Background of the Invention') that the coins, cash, coupon/vouchers in the gaming machine need to be physically retrieved, sorted, counted, verified, accounted for, audited." LeStrange states no such thing, and this assertion is verifiably false. The Examiner's Brief then proceeds to quote LeStrange, and it is respectfully submitted that the substance of this quoted material does not necessarily result in a conclusion that LeStrange teaches the physical retrieval, sorting or counting of gaming machine items, since numerous alternative possibilities exist. For example, the auditing mentioned by LeStrange can involve the "audit of all wagers found in the coin and currency cash boxes" while such items still remain in or at the gaming machine. Nothing in LeStrange requires these items to be physically retrieved. Similarly, nothing in LeStrange requires these items to be sorted either, and it is entirely possible to verify and audit items without sorting them.

In sum, despite the present belated attempt to assert support in Luciano and LeStrange for the step of "retrieving [] vouchers [from said gaming machine / storage box]," neither Luciano nor LeStrange teaches this step either explicitly or inherently. Accordingly, it is respectfully submitted that neither Luciano nor LeStrange, either alone or in combination, renders any of independent claims 1, 14 or 25 as unpatentable for at least this reason.

2(c) (sorting vouchers from bill monies)

Both of independent claims 14 and 25 recite the step, "sorting said [] voucher[s] from said bill [monies/money]." In the instant prosecution, rejections asserting, "Luciano is considered to disclose the step of . . . sorting" first appeared in the Office Action dated April 8, 2004. Despite the immediate contesting of this assertion by Applicant in the very next response and in multiple following responses, this assertion has been repeated verbatim in numerous subsequent Office Actions without any further elaboration or alleged support until the Examiner's Brief of December 1, 2006. In the Examiner's Brief, the assertion is made for the first time that "Luciano's gaming machine receives both vouchers and bill monies," and that "it is obvious that the vouchers and bill monies of Luciano need to be separated and can be sorted in order to perform accounting procedures as LeStrange discloses." Despite this 32-month delay to advance prosecution by simply addressing Applicant's remarks on this issue, the supports now being alleged for this element also fail on the merits.

As noted above, just because Luciano may have a device that reads vouchers does not necessarily mean that Luciano teaches storing such vouchers at its player terminal. Indeed, alternative embodiments such as reading a voucher and returning it to the user are possible,

and Luciano never addresses whether this or a storage process occurs in its system. Further, assuming *arguendo* that the player terminals of Luciano might accept and keep both bill monies and vouchers, there is no teaching or suggestion in Luciano that bill monies and vouchers are intermingled and thus require sorting. Similarly, there is no teaching or suggestion in LeStrange that any bill monies and vouchers are intermingled, such that sorting could then be performed. It is entirely possible that to the extent that any device in either of Luciano or LeStrange accepts and keeps both bill monies and vouchers, that such items are kept separate from each other from the moment that they are accepted. Because neither reference discusses or provides adequate detail regarding such possibilities, it is inappropriate to assume anything about what might be inherent to either reference in this regard.

Furthermore, assuming *arguendo* that both bill monies and vouchers are accepted, stored and intermingled by a device taught by Luciano or LeStrange, there is still no reason to conclude that “it is obvious that the vouchers and bill monies . . . need to be separated and can be sorted in order to perform accounting procedures,” as stated in the Examiner’s Answer. In the event that bill monies and vouchers are intermingled, the necessity of which has not been shown, it is entirely possible to validate and audit these intermingled items without first sorting them. Such accounting actions can be performed on a collection of intermingled items, for example, by hand in one-by-one fashion. Nothing in Luciano or LeStrange addresses a need or even a desirability to sort intermingled bill monies and vouchers before performing further accounting actions, and certainly nothing in either reference indicates that such a step necessarily flows from its other teachings. As such, it is inappropriate to attribute any inherency to Luciano or LeStrange that requires such a sorting step. Accordingly, it is respectfully submitted that neither Luciano nor LeStrange, either alone or in combination, renders either of independent claims 14 or 25 as unpatentable for at least this reason.

2(d) (comparing retrieved vouchers to acceptance records)

Both of independent claims 1 and 25 recite the step of “comparing information from said [] voucher[s] to [an acceptance] record.” Although an explanation of how Luciano or LeStrange teaches the exact claim step of “comparing” was never provided in any prior action, the assertion is now made for the first time in the Examiner’s Brief that “Luciano discloses comparing’ information from retrieved vouchers to information regarding accepted vouchers (Fig. 9; Fig. 10; Fig. 11).” Despite the failure to address this issue until now, the generic recitations to entire figures of Luciano simply do not show that Luciano teaches this step.

A careful and considered review of Figures 9, 10 and 11 of Luciano does not reveal any mention or suggestion of a voucher that has been retrieved from a gaming machine, much less the comparison of information on such a retrieved voucher with information regarding that voucher contained in a record that was generated upon the acceptance of the voucher by the gaming machine. In addition, the passages found in the “Brief Description of the Drawings” section of Luciano further demonstrate that none of these figures has anything to do with comparing information from retrieved vouchers with information contained in acceptance records for those vouchers. Luciano states:

“FIG. 9 is a flow chart of . . . [a] method of using a voucher to transfer credits from the database to a game of chance . . . ; FIG. 10 is a flow chart of . . . [a] method of using a voucher to cash out at a given gaming terminal (“PT”) . . . ; FIG. 11 is a flow chart of . . . [a] method of turning in a voucher to a cashier at a CT or MCT for the redemption of cash or prizes . . .

None of these figures or brief descriptions thereof deal with vouchers that have been accepted by a gaming machine and then retrieved from that gaming machine, much less the comparison of information on those vouchers with information contained in acceptance records for those vouchers. Further, no step in any of these three flowcharts remotely suggests that information is being compared between a retrieved voucher and an acceptance record generated regarding that voucher. In sum, despite the present belated attempt to assert support in Luciano for the step of “comparing information from said [] voucher[s] to [an acceptance] record,” Luciano simply does not teach this step. No alleged support has ever been provided for LeStrange teaching such an item. Accordingly, it is respectfully submitted that neither Luciano nor LeStrange, either alone or in combination, renders either of independent claims 1 or 25 as unpatentable for at least this reason.

2(e) (starting and ending a time period)

Independent claim 25 recites the steps of “starting a time period for a gaming machine” and “ending said time period for said gaming machine.” Similar to other claim elements, no specific assertion was ever previously made, and no support was ever provided, for the proposition that either Luciano or LeStrange teaches these particular claim steps. In the Examiner’s Brief, the assertion is made for the first time that “Luciano discloses tracking the date and time of voucher issuance. . . . LeStrange discloses tracking . . . the time that the game is played. . . Hence, it is obvious . . . that the game machines have clocks and that the game machines can have times or time periods when they are functional or time periods for which accounting is performed.” Despite the failure to address this issue until now, the

recitations and arguments provided now do not even demonstrate what they are being cited for, much less the affirmative steps of starting or ending a time period.

The Examiner's Brief states: "LeStrange discloses tracking each game that is played at the game machine and the time that the game is played (col 11, line 57-col 12, line 12). This exact passage of LeStrange reads as follows:

VIDEO LOTTERY SYSTEM PLAY

In accordance with another aspect of the invention, the accounting system supports accounting of multiple games within a single gaming machine, which is common in video lottery systems. Significantly, multiple game accounting is accomplished using only one set of accounting meters for each multi-game machine. Two developments make this possible. First, the accounting system maintains a game ID register 33, which stores a unique identifier representing the current game in play. Second, when the player selects a different game a game change event 45 is generated. In response to the game change event 45, event processor 26 updates the game ID register 33 and invokes a context switch which enables the accounting system to track game activity on a per game basis. In the preferred embodiment, the accounting system will also check periodically the current ID of the game being played at the gaming machine. This provides a recovery mechanism in the event that a game change event is lost. As a result, the system can generate a game change event 45 if the game ID in register 33 does not match the game ID of the current game in play.

Applicant respectfully submits that time is not mentioned anywhere in this passage, and that the exact time that a game is played is not relevant to this passage in any event.

Nevertheless, assuming that the devices of Luciano and/or LeStrange do have clocks, it does not logically follow that the steps of "starting a time period" and "ending a time period" must take place as a result of simply having a clock. Just because a clock may be present does not mean that either of these references teaches or suggests the recited steps of starting or ending a time period regarding accepting vouchers in a gaming machine. As noted above, the rules regarding inherency simply do not allow such characteristics or properties to be read into a reference where they are not necessary. Accordingly, it is respectfully submitted that neither Luciano nor LeStrange, either alone or in combination, renders independent claim 25 as unpatentable for at least this reason.

3.4.5.

The remainder of the enumerated items in the Examiner's Answer appear to rely on at least some portion of the arguments provided in items 2(a) through 2(e). Accordingly, the arguments provided in these items 3-5 fail for at least the reasons provided herein for items 2(a) through 2(e).

CONCLUSION

In view of the foregoing, it is respectfully submitted that none of the pending claims are rendered as obvious by Luciano or LeStrange, either alone or in combination, and that the rejections of the pending claims in the pending Office Action under are therefore erroneous. Accordingly, it is respectfully requested that the pending rejections of all claims be reversed.

Respectfully Submitted,
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